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Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons

Report submitted by Canada

1. Step 12 of the 13 practical steps agreed to by all Governments at the 2000 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons calls for "regular reports, within the framework of the strengthened review process for the Non-Proliferation Treaty, by all States parties on the implementation of article VI and paragraph 4 (c) of the 1995 Decision on 'Principles and Objectives for Nuclear Non-Proliferation and Disarmament', and recalling the advisory opinion of the International Court of Justice of 8 July 1996". In recognition of the commitment made on reporting and to enhance transparency and build confidence, Canada submits the president report on the implementation of the Treaty on an article-by-article basis and on the 13 practical steps. Such comprehensive reporting is not intended to expand the scope of the commitments made but is a reflection of the linkages that exist among the articles of the Treaty as well as the 13 practical steps.

Article I

2. Canada continues to call upon nuclear-weapon States not to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices. In that respect, Canada views reductions by the nuclear-weapon States of their nuclear weapons inventories and the diminishment of the political and military value ascribed to nuclear weapons as playing an important role in discouraging further nuclear weapons proliferation. Nuclear proliferation continues to pose a threat to the world. Canada maintains that States members of the United Nations must work together to ensure that Security Council resolutions are fully implemented and that States work together to halt activities that have no reasonable purpose other than the acquisition of nuclear weapons.

3. Canada is a member of the Global Partnership against the Spread of Weapons and Materials of Mass Destruction led by the Group of Eight (G-8). Leaders committed $20 billion over ten years to address the threats posed by weapons or

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materials of mass destruction (including nuclear) and related knowledge. The Global Partnership, with 23 members, is a concrete international cooperative threat-reduction mechanism implementing the non-proliferation, disarmament and counter-terrorism goals and objectives of the Treaty. In 2008/2009 alone, Canada spent over Can$ 50 million securing nuclear and other radiological materials. Canada is also an active participant in the Proliferation Security Initiative, which seeks to enhance practical cooperation to impede and stop shipments of, inter alia, nuclear weapons material and technology flowing illegally to and from States and non-State actors, consistent with national legal authorities and international law. Canada is also a founding partner nation of the Global Initiative to Combat Nuclear Terrorism, and in 2008 Canada hosted a conference on security of radioactive sources which involved more than 100 participants from 25 Global Initiative partner states and the International Atomic Energy Agency (IAEA). Canada is also an active participant in the Nuclear Suppliers Group and the Group of Eight Non-Proliferation Directors Group, and has fully implemented Security Council resolutions 1540 (2004), 1718 (2006), 1737 (2006), 1747 (2007) and 1803 (2008).

Article II

4. Canada continues to abide by its Treaty commitment not to receive the transfer of, receive control over, manufacture or acquire nuclear weapons or a nuclear explosive capability. That commitment is implemented domestically primarily through the Nuclear Safety and Control Act of 2000 and the Export and Import Permits Act of 1985.

5. Canada calls on other non-nuclear-weapon States not to receive the transfer of, receive control over, manufacture, acquire or seek to receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices or their delivery vehicles. In this context, Canada remains very concerned by the missile launch by the Democratic People's Republic of Korea on 5 April 2009. That ill-advised action undermines confidence in the commitment of the Democratic People's Republic of Korea to peace and security. It is extremely regrettable that the Democratic People's Republic of Korea should now cast aside the six-party talks, which remain the best means to achieve a permanent, peaceful resolution of the Korean peninsula's long-standing security issues. Current actions by the Democratic People's Republic of Korea are alarming and run contrary to its stated desire to engage constructively with the community of nations. Canada therefore calls upon the Democratic People's Republic of Korea to immediately resume cooperation with IAEA inspectors and to fully comply with Security Council resolution 1718 (2006) requiring the suspension of all activities related to its ballistic missile programme.

6. In a statement delivered on 4 February 2009, the Foreign Minister of Canada urged the Islamic Republic of Iran to comply with the international obligations set out by the Security Council. Canada also presses that the Islamic Republic of Iran must also take steps to build confidence that its nuclear program is exclusively for peaceful purposes, primarily by providing IAEA with information it would require to draw a positive conclusion, and by fully implementing the Additional Protocol to their Comprehensive Safeguards Agreement. Canada has fully implemented in Canadian law the requirements of the most recent Security Council sanctions resolution, resolution 1803 (2008), and fully supports the permanent five plus one offer of incentives to the Islamic Republic of Iran to promote dialogue on broader

political, security and economic issues, in order to find a peaceful negotiated settlement to this issue.

Article III

7. Pursuant to article III, Canada has in place a Comprehensive Safeguards Agreement with IAEA. In support of IAEA efforts to strengthen safeguards, Canada concluded a protocol additional to its safeguards agreement, which entered into force on 8 September 2000. With both a Comprehensive Safeguards Agreement and an Additional Protocol in place, the IAEA is in a position to draw an annual conclusion regarding the non-diversion of declared nuclear material and the absence of undeclared nuclear material and activities for Canada as a whole. That broad conclusion, first achieved in 2005 and subsequently maintained on an annual basis, provides the highest level of confidence that Canada is in compliance with its peaceful use commitments under the Treaty. Furthermore, the attainment and maintenance of the broad conclusion has allowed IAEA to fundamentally change the way safeguards are implemented in Canada, by moving towards a State-level integrated safeguards approach. To date, in keeping with an agreed order of implementation priorities, that approach has been implemented for most of the Canadian fuel cycle, providing for significant savings in terms of IAEA effort in Canada. In addition, through the Canadian Safeguards Support Programme, Canada contributes to the research and development of advanced safeguards equipment and techniques aimed at strengthening the effectiveness and efficiency of the Agency's safeguards. That effort resulted in a contribution of approximately Can$ 1.5 million over the 2008/2009 fiscal year. At IAEA and at the General Assembly, Canada has urged States that have yet to bring into force a Comprehensive Safeguards Agreement and an Additional Protocol to do so as soon as possible. Canada is of the view that a Comprehensive Safeguards Agreement together with an Additional Protocol constitutes the safeguards standard required under article III.

8. Consistent with its obligation not to provide source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to any non-nuclear weapon State for peaceful purposes unless the source or special fissionable material is subject to IAEA safeguards, and consistent with decision 2, paragraph 12, of the 1995 Treaty Review and Extension Conference, with the exception of India, Canada will authorize nuclear cooperation involving proliferation-significant items only with those non-nuclear-weapon States that have made an internationally legally binding commitment not to acquire nuclear weapons or other nuclear explosive devices and that have accepted IAEA safeguards on the full scope of their nuclear activities. All of Canada's nuclear partners must have accepted, through a bilateral nuclear cooperation agreement with Canada, a number of additional measures designed to ensure that nuclear items supplied by Canada do not contribute to the proliferation of nuclear weapons. Canada maintains a national system for controlling the export of all items especially designed or prepared for nuclear use and certain nuclear-related dual-use items, including, with respect to the specific requirements of article III, paragraph 2, of the Treaty, source or special fissionable material and equipment or material especially designed or prepared for the processing, use or production of special fissionable material. It ensures that exports of nuclear items are not authorized where there is found to be an unacceptable risk of diversion to a weapons of mass destruction programme or when an export would

be counter to Canada's non-proliferation policy and international commitments and obligations. Canada's export control legislation includes a catch-all provision. Canada's national system is consistent with the lists of those multilateral nuclear export control mechanisms in which it participates. All of those measures serve to facilitate peaceful nuclear commerce and international cooperation without contributing to proliferation.

9. In response to the threat posed to the integrity of the nuclear non-proliferation regime, Canada continues to cooperate actively with other like-minded States in a variety of international forums to develop new measures aimed at further strengthening the regime, particularly with regard to the transfer of enrichment and reprocessing technologies associated with the production of special fissionable material suitable for nuclear weapons purposes, and the suspension of nuclear cooperation in cases of non-compliance with nuclear non-proliferation commitments.

Article IV

10. Canada strongly supports the peaceful uses of nuclear energy. Canada maintains a robust nuclear power programme. It is the world's largest exporter of uranium and is a world leader in the supply and export of radioisotopes for medical and industrial applications. Canada believes that nuclear energy can make an important contribution to prosperity and sustainable development, while also addressing concerns about climate change for those countries that choose to use nuclear energy. To that end, Canada has 26 nuclear cooperation agreements in force, covering 43 States parties to the Treaty, both developed and developing, to provide a framework for the fullest possible exchange of nuclear and other material, equipment and technology. Since the 2005 Treaty Review Conference, Canada has held six official bilateral consultations with nuclear cooperation agreement partner States as well as formal administrative arrangement consultations with 11 nuclear cooperation agreement partner country authorities. Canada supports the IAEA technical cooperation programme and for several years has met or exceeded the rate of attainment for voluntary contributions to the IAEA technical cooperation fund.

11. In view of the inherent relationship between the inalienable rights of States to the peaceful uses of nuclear energy and the obligations contained elsewhere in the Treaty, cooperation by Canada with other countries in the peaceful uses of nuclear energy takes fully into account the non-proliferation credentials of the recipient country. Canada is committed to working with other States and relevant international organizations on new arrangements for the supply of nuclear items, consistent with the balance of rights and obligations agreed to in the Treaty and in particular in articles II, III and IV. In 2007, Canada and Australia also jointly provided a paper to IAEA suggesting elements for consideration in analysis of the various fuel supply assurance proposals.

12. Canada has also been involved in efforts to implement the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. The 2009 statement by the Group of Eight Nuclear Safety and Security Group reaffirmed the commitment by Canada and a number of other States to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and welcomed the entry into force of the International Convention for the Suppression of Acts of Nuclear Terrorism. As one of the world's leading suppliers and exporters

of radioactive sources, Canada has a strong interest in the establishment of an effective, efficient and harmonized international regime for ensuring their safety and security, including measures to prevent their use in malicious or terrorist acts. Effective 1 April 2007, Canada began full implementation of an enhanced export and import control programme for risk-significant radioactive sources covered by the Code. It encompasses full export controls, notifications and other control measures required under the Code and its supplementary guidance on the import and export of radioactive sources. That step completes a key regulatory initiative undertaken to adopt the Code to meet its commitments to IAEA and to the Group of Eight to implement the provisions of the IAEA guidance.

Article V

13. The final document of the 2000 Treaty Review Conference affirms that provisions of article V are to be interpreted in light of the Comprehensive Nuclear-Test-Ban Treaty. Canada signed that Treaty on 24 September 1996, when it opened for signature, and deposited its instrument of ratification on 18 December 1998. Canada was the first State signatory to the Test-Ban Treaty to sign a facility agreement with the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, on 19 October 1998. Canada has played an active role in encouraging further signatures and ratification of the Treaty with a view to achieving its universality. In September 2008, Canada co-hosted the Friends of the Comprehensive Test-Ban Treaty ministerial-level meeting in New York, at which a joint ministerial statement was released to reiterate support for the Treaty. The statement has been endorsed by over 80 countries. In February 2009, Canada issued a statement to the Comprehensive Nuclear-Test-Ban Treaty Organization indicating that more attention and resources should be devoted to the sustainment of the International Monitoring System and to improving the capabilities of the International Data Centre and on-site inspections so as to strengthen the Treaty's verification regime.

14. Canada co-sponsored the resolution on the Comprehensive Nuclear-Test-Ban Treaty (63/87) at the sixty-third session of the General Assembly. The resolution called for the earliest possible entry into force of the Treaty and urged the maintenance of unilateral moratoriums on nuclear weapons test explosions until entry into force was achieved. Canada places a priority on the establishment of the Treaty's verification system and, as such, is a leader among State signatories in contributing resources and expertise to the development of the International Monitoring System. Canada hosts 15 International Monitoring System stations and one laboratory. Only one of those stations remains to be certified by the Secretariat.

Article VI

15. Canada continues to take very seriously the obligation of article VI and the commitments agreed upon in the 1995 principles and objectives and in the 13 practical steps at the 2000 Review Conference. Those have been at the forefront of a number of activities and statements.

Steps 1 and 2

16. Canada's action in support of the Comprehensive Nuclear-Test-Ban Treaty and the moratorium on nuclear testing is described above under article V implementation.

Steps 3 and 4

17. Canada supported draft decision L.1, which was tabled by the six Conference on Disarmament Presidents in 2007 and subsequently CD/1840, a draft decision of the six Conference on Disarmament Presidents of 2008. Canada attaches priority in the Conference on Disarmament to the start of negotiations on a verifiable fissile material cut-off treaty.

Step 5

18. Canada emphasizes the importance of transparency, irreversibility and verifiability in the reduction and elimination of nuclear weapons arsenals and facilities. At the sixty-third session of the General Assembly, Canada co-sponsored the resolution "Renewed determination towards the total elimination of nuclear weapons" (63/73) in which the Assembly emphasized "the importance of applying irreversibility and verifiability, as well as increased transparency" in the process of working towards nuclear disarmament.

Step 6

19. In the First Committee during the sixty-third session of the General Assembly, Canada reiterated its call on nuclear-weapon States to securely reduce and dismantle their nuclear weapons arsenals in an irreversible and verifiable manner. At that session, Canada voted in favour of the resolutions entitled "Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments" (63/58) and "Renewed determination towards the total elimination of nuclear weapons" (63/73). Canada welcomes recent statements by several of the recognized nuclear-weapons States to work towards a step-by-step approach to reaching "global zero".

20. Canada supports the reduced salience of nuclear weapons and the significant reduction of the nuclear forces of the North Atlantic Treaty Organization (NATO) that has taken place since the end of the cold war. As a member of NATO, Canada continues to advocate that the alliance play a positive role in advancing disarmament objectives through a continuous step-by-step approach in a manner that increases international peace and stability. Canada was one of the strongest and most vocal proponents of the decision of NATO to endorse the 13 practical steps towards disarmament. NATO allies have significantly reduced the number of nuclear weapons in Europe — by 90 per cent since 1991 and by almost 95 per cent since the height of the cold war.

Step 7

21. Canada firmly supports recent disarmament talks that have taken place between the Russian Federation and the United States of America, and welcomed the 1 April joint undertaking to work towards a successor arrangement to the Treaty on Strategic Offensive Arms (START I) by the end of the year. As noted above,

Canada co-sponsored the resolution "Renewed determination towards the total elimination of nuclear weapons" (63/73) at the sixty-third session of the General Assembly. In that resolution, the Assembly encouraged the Russian Federation and the United States to implement fully the Treaty on Strategic Offensive Reductions, which would serve as a step for further nuclear disarmament, and to undertake nuclear arms reductions beyond those provided for by the Treaty. It also welcomed the progress made by nuclear-weapon States, including the Russian Federation and the United States, on nuclear arms reductions to date.

Step 8

22. Canada has encouraged the Russian Federation and the United States to implement the Trilateral Initiative by submitting surplus stocks of fissile material to IAEA control.

Step 9

23. The support of Canada for further reductions of nuclear weapons as an important step towards the elimination of nuclear weapons was expressed by our vote in favour of the resolution entitled "Towards a nuclear-weapons-free world: accelerating the implementation of nuclear disarmament commitments" (63/58) at the sixty-third session of the General Assembly. Canada also supports measures to reduce the operational readiness of nuclear weapons systems in ways that promote international stability and security, as called for in the resolution entitled "Renewed determination towards the total elimination of nuclear weapons" (63/73).

24. Canada has committed Can$ 1 billion to the Global Partnership, focusing initially on the Russian Federation and the former Soviet Union, and is involved in projects for the destruction of chemical weapons, the dismantlement of nuclear submarines, nuclear and radiological security, the redirection of former weapons scientists and biological non-proliferation. Canada's Global Partnership Program is funding physical protection upgrades at a number of nuclear facilities. Seven projects are under way, and several more are in development. The Global Partnership Program has also funded multiple projects to secure highly radioactive sources. Canada is the second largest State donor to the IAEA Nuclear Security Fund, established to strengthen nuclear and radiological security worldwide. On 28 March 2008, Foreign Minister Cannon announced that Canada would contribute a further Can$ 4 million to the IAEA Nuclear Security Fund in order to complement the nuclear security improvements made previously. Working with the United States Department of Energy, Canada contributed to enhancing border security in order to prevent the illicit trafficking of nuclear materials. Canada also cooperated with the United States Department of Energy to recover and secure vulnerable, highly radioactive sources powering navigational devices, such as lighthouses. Canada has fully dismantled 12 decommissioned nuclear submarines and defuelled 28 reactors in the north-western part of the Russian Federation. In the far east of the Russian Federation, Canada started projects for the safe transportation and defuelling of two decommissioned nuclear submarines. Canada has contributed to the Northern Dimension Environmental Partnership of the European Bank for Reconstruction and Development to safely and securely manage spent fuel (including highly enriched uranium) from submarines in the northern part of the Russian Federation. As a member of the International Science and Technology Centre in Moscow and the Science and Technology Centre in Ukraine, Canada has funded over 180 individual

research projects engaging over 2,600 former weapons scientists in civilian employment through various research projects and other programmes and activities, including in the area of nuclear and radiological security.

Step 10

25. Through the Global Partnership Program, Canada is contributing to the elimination and disposition of fissile material, ensuring that it cannot be acquired by terrorists or countries of proliferation concern. Canada has also pledged funds towards the plutonium disposition programme of the Russian Federation, which will convert 34 tons of weapons-grade plutonium into forms not usable for weapons. In addition, Canada contributed to a project led by the United States to shut down the last Russian weapons-grade plutonium producing reactor in Zheleznogorsk.

Step 11

26. In the interests of general and complete disarmament, Canada is a State Party to the Biological and Toxin Weapons Convention, the Chemical Weapons Convention, the Ottawa Convention on Landmines, the Treaty on Conventional Armed Forces in Europe, the Treaty on Open Skies, the Convention on Conventional Weapons and the Outer Space Treaty. Between April 2008 and April 2009, Canada contributed $47 million for mine clearance and related activities in over 25 States, as well as for disarmament, demobilization and reintegration, collection and destruction of small arms and light weapons in Latin America and the Caribbean, Europe, Africa and Asia. Canada has signed the Convention on Cluster Munitions and is working on its early ratification.

Step 12

27. At the 2005 Treaty Review Conference, Canada submitted a working paper (NPT/CONF.2005/WP.39) on the concept of "permanence with accountability" for the Treaty, which, among other proposals, supported the practice of submitting annual reports on Treaty implementation prior to such meetings. The working paper followed up on a number of previous papers submitted by Canada at earlier Preparatory Committee meetings on that topic. Canada commends States for the information they have provided to date, and continues to encourage States to submit information about their efforts and activities as official reports prior to Preparatory Committee meetings and Review Conferences.

Step 13

28. In early 2005, Canada submitted a major study on weapons of mass destruction verification and compliance to the Weapons of Mass Destruction Commission, which has been published as part of the Commission's series of papers and studies and is available at http://www.wmdcommission.org. Canada also tabled a resolution entitled "Verification in all its aspects, including the role of the United Nations in the field of verification" (62/21) at the sixty-second session of the General Assembly, which was adopted by consensus.

Article VII

29. Canada continues to underline the need to preserve and respect the negative security assurances provided by nuclear-weapon States to non-nuclear-weapon

States parties to the Treaty. While not itself a member of a nuclear-weapon-free zone, Canada welcomes and encourages progress to develop and implement nuclear-weapon-free zone agreements consistent with international law and internationally agreed criteria. At the sixty-third session of the General Assembly, Canada supported resolutions calling for the establishment or consolidation of nuclear-weapon-free zones.

Article VIII

30. The indefinite extension of the Treaty and accompanying decisions adopted in 1995 enshrined the concept of permanence with accountability. In accordance with the commitments arising from the final document of the 2000 Review Conference, Canada delivered at the 2005 Review Conference its fourth report on its implementation of the Treaty, followed by another report at the 2007 Preparatory Committee. Canada also reported on the steps taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East.

31. Canada has been active in promoting measures to reinforce the authority and integrity of the Treaty and ensure the implementation of its obligations. At the 2005 Review Conference, Canada presented a working paper (NPT/CONF.2005/WP.39) with recommendations for a revamped Treaty process, making suggestions on meeting frequency and structure (including the possibility of extraordinary meetings), reporting the participation of civil society and the creation of a standing bureau. That was followed up with another working paper submitted at the 2007 Preparatory Committee. Canada will reaffirm and elaborate upon those proposals in a working paper to be submitted at the 2009 Preparatory Committee session on the same subject and continue to advocate for the strengthening of the Treaty review process.

Article IX

32. Canada has consistently worked for the universalization of the Treaty. At the sixty-third session of the General Assembly, Canada co-sponsored the resolution on "Renewed determination towards the total elimination of nuclear weapons" (63/73), in which the Assembly reaffirmed the importance of the universality of the Treaty and called upon States not party to the Treaty to accede to it as non-nuclear-weapon States without delay and without conditions. Canada views its position in that regard as consistent with Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, which called upon all States to promote the universal adoption and full implementation of multilateral treaties, the aims of which were to prevent the proliferation of nuclear, biological and chemical weapons.

Article X

33. Canada has continued to coordinate a core group of countries at the IAEA General Conference responsible for a resolution on the Democratic People's Republic of Korea. As in past years, in September 2006 and 2007, the Canadian-led core group facilitated the adoption by consensus of a resolution that sought to promote the resumption of that country's obligations under the Treaty, including the implementation of its Comprehensive Safeguards Agreement.

34. Canada welcomed the indefinite extension of the Treaty, adopted without a vote in 1995. Negative security assurances provided in Security Council resolution 984 (1995) by the five nuclear-weapon States parties to the Treaty furnished part of the basis for that indefinite extension, as did paragraph 8 of the decision on principles and objectives for nuclear non-proliferation and disarmament.

Article XI

35. Not applicable.